

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1668 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

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SHIVCHARAN MAHARAJ SINHJI

Versus

BORICHA NAGJI LAKHABHAI

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Appearance:

NOTICE SERVED for Petitioner

MR BV ANTANI for Respondent No. 1

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CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 01/03/2000

ORAL JUDGEMENT

#. Present Revision Application under section 115 of the Civil Procedure Code is filed by the original defendant of civil suit no.185 of 1982 pending in the Court of Small Causes, Rajkot. The Rule was initially

made returnable on 27.12.1985 and interim relief was also upto to that date. Thereafter there is no endorsement regarding the extension of interim relief. Therefore, in all probability this petition must have become infructuous. The petitioner is is served as advocate for the petitioner was subsequently elevated as a Judge of this Court and thereafter the office had sent fresh notice to the petitioner. The endorsement that the petitioner is served.

#. Present revision application is filed against the order of the learned Addl.Small Cause Court Judge dated 18.10.1985 below exh.20 in Suit No. 185 of 1982. The respondent herein has filed the suit for getting possession of the suit property . By the application exh.20 the defendant had requested the court for an order directing the plaintiff to make discovery of the documents which are in possession of the plaintiff which according to the defendant is necessary in determining the question of standard rent. The Trial Court rejected said application on the ground that right of defence of the defendant was closed as per the order under Section 11(4) of the Rent Act. The Trial Court also found that the matter is for evidence and on that ground the application was rejected. It cannot be said that the Trial Court had committed any error in jurisdiction in passing the impugned order. The suit is of the year 1982. It cannot be said that the order of the Trial Court suffers from any jurisdictional error. Therefore, this application is rejected. Rule discharged with no order as to costs.

Stay of proceedings vacated forthwith.

(P.B.Majmudar

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